

# SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450

601 WEST ROSEMARY STREET, SUITE 220  
CHAPEL HILL, NC 27516-2356

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April 4, 2012

BY EMAIL AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

U.S. Environmental Protection Agency  
Region 4 Freedom of Information  
SNAFC Building  
61 Forsyth Street., S.W., 9th Fl.  
Atlanta, GA 30303-8960  
[r4foia@epa.gov](mailto:r4foia@epa.gov)

Control Number	4-FOI-	0046-12
Response Due Date:	5/3/12	
Assigned to:	Other	
Special Instructions:	POC: GU	SESD
	DEA CC	Other PB
Fee W.A. Jev		

Re: Records Request - Wateree, Grainger, Winyah, & Jeffries Power Generating Stations

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the Southern Environmental Law Center ("SELC") submits this request to the United States Environmental Protection Agency ("EPA") for the following categories of records:

All records related to coal ash and its storage, coal ash impoundments, and dams and dam safety at Santee Cooper's Grainger Power Generating Station, Winyah Power Generating Station, and Jeffries Power Generating Station;

All records related to coal ash and its storage, coal ash impoundments, and dams and dam safety at SCE&G's Wateree Station Power Generating Facility in Eastover, SC;

All records dated 2008 and later submitted by Santee Cooper pursuant to the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11001 *et seq.*, for the Grainger Power Generating Station, Jeffries Power Generating Station, and Winyah Power Generating Station. This request includes, but is not limited to, all Toxic Release Inventory reporting materials for these facilities. SELC also requests all correspondence dated 2008 and later related to the EPCRA submissions for these facilities, including emails.

All records dated 2008 and later submitted by SCE&G pursuant to EPCRA for the Wateree Station Power Generating Facility. This request includes, but is not limited to, all Toxic Release Inventory reporting materials for these facilities. SELC also requests all correspondence dated 2008 and later related to the EPCRA submissions for this facility, including emails.

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2012 APR - 4 P 4 15  
FREEDOM OF INFORMATION ACT

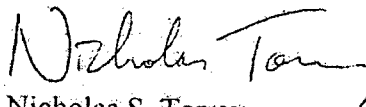
directives, observations, impressions, contracts, letters, messages, and mail in the possession, custody, or control of EPA. Our request also specifically includes responsive documents and records prepared by, created by, or in the possession, custody, or control of EPA's agents, contractors, and subcontractors. Finally, we request that you produce all electronically stored information in its native format, and specifically that you produce electronic mail in ".pst" format.

FOIA directs a responding agency to make a "determination" on any request within twenty working days of receipt. 5 U.S.C. § 552(a)(6)(A). We specifically request that you comply with the statutory deadline. Should our request be denied, we ask that you inform us of the grounds for denial and the specific administrative appeal rights that are available. *Id.*

We request that you waive any search and duplication fees and provide the requested records without charge, or at a reduced charge, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). The disclosure of the requested materials would be in the public interest because it is likely to contribute significantly to public understanding of the EPA, SCE&G, and Santee Cooper's activities and is not in the commercial interest of SELC. Courts have recognized that Congress intended FOIA's fee waiver provision to be "liberally construed in favor of waivers for noncommercial requesters." *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987). SELC is a 501(c)(3) non-profit organization working to protect the natural resources of the Southeast and, specifically, to gather, analyze, and disseminate public information about water quality and energy issues in South Carolina. Should our request for reduced or waived fees be denied, we are prepared to bear the reasonable costs necessary to fulfill this request, although we request that you contact us before processing this request to discuss fees. We reserve our rights to appeal a denial of our request for a fee waiver or reduction.

Please contact me at 919-967-1450 or [ntorrey@selcnc.org](mailto:ntorrey@selcnc.org) regarding this request for records. In accordance with the Act, I look forward to your response within twenty business days of your receipt of this request.

Sincerely,



Nicholas S. Torrey  
Associate Attorney



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

May 16, 2012

OFFICE OF  
ENVIRONMENTAL INFORMATION

Mr. Nicholas S. Torrey  
Southern Environmental Law Center  
601 West Rosemary Street, Suite 320  
Chapel Hill, NC 27516-2356

RE: Request Number: 04-FOI-00461-12

Dear Mr. Torrey:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA) Region 4 seeking records related to Wateree, Grainger, Winyah & Jeffries Power Generating Stations.

We have reviewed your fee waiver justification and based on the information you provided, we are granting your request for a fee waiver. However, this fee waiver does not include a waiver of fees for otherwise publically available records. Region 4 will be responding to your information requests.

If you have any questions concerning this please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman", is written over the word "Sincerely,".

Larry F. Gottesman  
National FOIA Officer

RECEIVED  
MAY 10 2012



**Fee Waiver Determination for FOIA Case #: 04-FOI-00461-12**

Melvin Cruver to: hq.foia

05/10/2012 12:07 PM

Cc: r4foia, Gayla Uslu

This request is being forwarded (late) for fee waiver determination. Due to human error, this request was not forwarded to you in a timely manner. It was only discovered when the Specialist inquired of the status.

M. J. Cruver  
Region 4

Request for Documents for Case # '04-FOI-00461-12'. Due date: May 02, 2012.



FOIA Control Sheet - Case #- 04-FOI-00461-12.doc Request Description.tif